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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/553,425 04/19/00 GORMAN

M ELECTRO.001A

EXAMINER

MM91/0119

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GILMAN, A

ART UNIT

PAPER NUMBER

2833
DATE MAILED:

3
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/553,425

Applicant(s)
Gorman

Examiner
ALexander Gilman

Group Art Unit
2833



☒ Responsive to communication(s) filed on Apr 19, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-35 is/are pending in the application

Of the above, claim(s) 12-15, 20-23, 30, and 31 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11, 16-19, 24-29, and 32-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election-Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11 16-19, 24-29 and 32-35, drawn to product made, classified in class 439, subclass 535.
 - II. Claims 12-15,20-23, 30, and 31, drawn to process of making, classified in class 29.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the module can be attached to the fixture portion not by snapping but, for example, by bolting .
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Glenn R. Smith on 12/18/00 a provisional election was made without traverse to prosecute the invention of group I, claims 1-11,16-22,24-29, and 32-35. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 12-15, 20-23, 30, and 31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 4, 7-10, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Marrero.

With regard to claims 1 and 16, Marrero (US Pat. No. 4,103,125) discloses (Fig. 1) an electrical wiring assembly comprising:

an electrical box (24, 20) having an open front face and a back face and a mounting post (vertical projection of 46);

a generally planar wiring panel (Fig. 6; r.n. 22) having a front side (50) and a back side (50), said front side having a panel fixture (54) extending perpendicularly from said front side and a shielded contact surface (56) within said fixture, said back side having a cable connector (60), said panel having a bus electrically connecting said cable connector to said contact surface, said wiring panel installable within said box;

an electrical module (28) comprising a shielded spring contact (72) withing a module fixture, said module fixture configured to engage said panel fixture ;

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said module having an installed position and uninstalled position .

With regard to claims 3 and 17, Marrero discloses the wiring panel including a socket (62) and a protective cover (50) having plug openings (58).

With regard to claim 4, Marrero discloses the face plate (30) having a protruding tab (76), said module having the corresponding catch (74).

With regard to claim 7, Marrero discloses

an electrical box (24, 20);

a wiring panel (Fig. 6) comprising a module fixture (54) and a cable connector (60);

a user replaceable module (26, 28) installable by snapping said module into said module fixture (54).

With regard to claims 8 and 9, the module fixture (56) has a first contact (54), which is shielded, and the module (28) has a second contact (72).

With regard to claim 10, Marrero discloses

a socket portion (58) of the wiring panel configured to accept a standard AC plug when the module is not installed;

a corresponding plug contact portion (56).

7. Claims 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Figart et al..

Figart et al (US Pat. No. 4,165,443) disclose

an electrical box means (10);

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a wiring panel means (50);

a module means (14, 18);

a snap-in means (64c, 25);

a box mount means (37);

a protective cover means (26);

a face plate means for trimming said module when installed within said electrical box (10).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marrero.

Marrero disclose all of the limitations except for specifying the recess distance of the mounting post.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to discover the claimed quantitative characteristic of the recess distance, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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10. Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figart et al.

With regard to claims 24, 26-29, Figart et al disclose

a box mount (37) attachable to a wall stud (48) with a stud alignment guide - leading edge - (38);

a plurality of catches (33);

an electrical box (10) slidably attached to the box mount, said box defining a finger aperture (formed by (28)) ;

a latch portion to releasably engage any of said catches (33A, col. 5, lines 10, 11).

Showing plurality of catches located at the electric box, Figart et al do not disclose that the plurality of catches is disposed on the box mount

It was held that would be no invention in shifting location of parts to a different position since the operation of the device would not be thereby be modified *In re Japikse*, 86 USPQ 70.

With regard to claim 25, Figart et al disclose all of the limitations except for position indicators.

To provide the electrical box with the position indicators would have been an obvious matter of design lacking criticality. For example, Figart et al provide the similar indicators for cable entering (Fig. 1)

11. Claims 2, 6, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrero in view of Figart et al.

Marrero discloses all of the limitations except for

a box mount configured to attach the electrical box at a plurality of latchable positions (claims 2 and 18);

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the module comprising a module keyed portion insuring the proper orientation of said module (claim 6).

Figart et al disclose

a box mount (37) configured to attach the electrical box at a plurality of latchable positions;

the module comprising a module keyed portion (14') insuring the proper orientation of said module (col. 5, lines 33-39).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Marrero's assembly with the box mount and the module keyed portion, as taught by Figart et al , to properly assemble the Marrero's assembly.

12. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrero in view of Pham et al.

Marrero discloses all of the limitations except for an extractor handle having a closed position secured to the electrical box and an open position extending away from the module.

Pham et al (US Pat. No. 5,906,497) disclose (Fig. 4, 5) an extractor handle (20) having a closed position secured to the electrical box (10) and an open position extending away from the module (31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Marrero's assembly with the extractor handle, as taught by Pham et al, to better operate the Marrero's assembly.

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13. Any inquiry concerning this communication should be directed to Alexander Gilman at telephone number (703) 305-0847.

AG

GARY F. PAUMEN
PRIMARY EXAMINER

January 10, 2001